

EXHIBIT 1

CHARGE OF DISCRIMINATION		AGENCY	CHARGE NUMBER
This form is affected by the Privacy Act of 1974; see Privacy Act Statement on reverse before completing this form.		<input checked="" type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	
Texas Workforce Commission – Civil Rights Division (State or Local Agency, If Any)		and EEOC	
NAME (Indicate Mr., Ms., or Mrs.) Mark Garcia		HOME TELEPHONE NUMBER (Include Area Code) (832) 368-6980	
STREET ADDRESS 2300 S. 5 th St. Apt. F		CITY, STATE AND ZIP CODE Austin, Texas 78704	DATE OF BIRTH 05/17/1982
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below).			
NAME Oracle		NO. OF EMPLOYEES/MEMBERS +2000	TELEPHONE NUMBER (Include Area Code) 310-343-7416
STREET ADDRESS 2300 Cloud Way		CITY, STATE AND ZIP CODE Austin, TX 78741	COUNTY Travis
NAME		NO. OF EMPLOYEES/MEMBERS	TELEPHONE NUMBER (Include Area Code)
STREET ADDRESS CITY, STATE AND ZIP CODE			
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))			
<input checked="" type="checkbox"/> RACE <input checked="" type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input checked="" type="checkbox"/> OTHER (Specify) Texas Labor Code		DATE DISCRIMINATION TOOK PLACE EARLIEST LATEST March 15, 2018 May 30, 2018 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s))			
<ol style="list-style-type: none"> 1. This charge is filed because Mr. Mark Garcia was discriminated against and ultimately terminated because of his race and color. 2. Mr. Garcia, Hispanic male, first began working for Oracle/Netsuite on February 16, 2018. 3. At the time Oracle hired Mr. Garcia he had over 13 successful years in sales. 4. So, to say that Mr. Garcia was a highly qualified individual would be an understatement. 5. During Mr. Garcia's employment with Oracle, Mr. Garcia always gave his best efforts. 6. In fact, he had absolutely no formal disciplinary history at the time of his termination. 7. For the first month of his employment, Mr. Garcia had limited interactions with Ms. Katie Kriete, white female, his direct supervisor. 8. For the first month of his employment with Oracle, Mr. Garcia, worked together with his peers and his assigned enablement representative, Chrisanthy Harris, to navigate internal processes. 9. It was not until Ms. Kriete became more involved with Mr. Garcia that he began to notice the racial animus that she held towards minorities. 10. To Mr. Garcia's knowledge, he was the only Latino individual that Ms. Kriete managed. 11. Ms. Kriete showed her true colors on March 15, 2018, which was their scheduled weekly one- 			

12. Mr. Garcia expressed that he was focusing his sales efforts on all major cities in Texas, including, Dallas, Houston, San Antonio and El Paso.
13. She immediately instructed Mr. Garcia to "not waste his time on San Antonio or El Paso because they're poor."
14. The fact that Ms. Kriete would single out the only majority Hispanic cities in his plan and characterize them as "poor" shows bias and prejudice.
15. But her biases against minorities would manifest once again during another reoccurring weekly one-on-one meeting held on April 10, 2018.
16. During that meeting Ms. Kriete once again berated Mr. Garcia, and she point blank asked him, "Are you stupid? Everyone else is bringing in deals."
17. She would then go to murmur under her breath, "You're the only brown one I guess."
18. First, Ms. Kriete's critiques of Mr. Garcia's performance are unfounded because the average time frame for a new employee at Oracle/Netsuite to bring in their first deal is 7 to 8 months.
19. The employees that Ms. Kriete was comparing Mr. Garcia to were not new employees but seasoned veterans at Oracle/Netsuite.
20. At this point, Mr. Garcia had been with Oracle/NetSuite for only two months.
21. Second, this is an outright racists statement.
22. Ms. Kriete implied that any alleged shortcoming of Mr. Garcia can be attributed to his race and color.
23. Mr. Garcia became concerned and even developed insomnia as a direct result of Mr. Kriete's treatment.
24. He had left a high paying position with Epicor to advance his career with Oracle/Netsuite.
25. He felt as if he had no job security from that point forward.
26. Mr. Garcia sought guidance from a life mentor, Federico Gonzales, because he was simply at a loss of how navigate this issue.
27. Should he go to HR and report Mr. Krite or continue to perform in an effort to move past this

42. The fact that he may have asked his co-workers how to do internal processes is completely normal for a new employee.

43. Ms. Kriete even directed Mr. Garcia to talk to his peers for guidance on internal processes.

44. Lastly, the allegations that Mr. Garcia did not even know how to do a BANT analysis is not only false but also absurd.

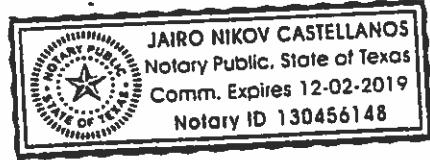
45. Mr. Garcia has been using this basic qualifying skill (BANT) for over 13 years.

46. In fact, if he was unable to process leads or qualify opportunities using BANT he would not have been able to keep any of his prior jobs in sales nor would he have been able to bring in his first deal with Oracle in about three months.

47. Now, after his termination, Mr. Garcia has learned that he has been replaced by Christopher Bishop, a white male.

48. Based upon the above stated facts, it is clear that Mr. Garcia was terminated because of his race and color.

49. These actions show a clear violation of Title VII of the Civil Rights Act of 1964 and Texas Labor Code.



<p>I want this charge filed with the EEOC and the Texas Commission on Human Rights. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p> <p>I declare under penalty of perjury that the foregoing is true and correct.</p> <p>7/17/18  Date</p> <p>Charging Party (Signature)</p>		<p>NOTARY - (When necessary to meet State and Local Requirements)</p> <p></p> <p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p> <p>SIGNATURE OF COMPLAINANT</p> <p></p> <p>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE: (Month, day and year)</p> <p>7/17/18</p>
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